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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,791	12/14/2000	Paul M. Brennan	91436-313	5443

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EXAMINER

SMITH, CREIGHTON H

ART UNIT	PAPER NUMBER
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2645

8

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

735791

Applicant(s)

BRENNAN, D. M.

Examiner

Smith C.H.

Group Art Unit

2645

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 12 Nov '03

☒ This action is **FINAL**

- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-23 is/are pending in the application.

☐ Of the above claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 1-23 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claim(s) are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 4, 5, 12-14, 16, & 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Baiyor et al.

Baiyor et al disclose a call forwarding method whereby an incoming phone call (105, Fig. 1A) to a primary directory number (DN) will be forwarded to a group of other directory numbers (Secondary DNs 106-113). All of the secondary DN s are alerted. Baiyor et al never disclose that incoming phone call 105 is answered before processing it and forming outgoing calls 106-113, but does mention in col. 2, lines 62-65, that "[A]s the various outgoing call legs may be answered, not answered, released...". In order for the call to be forwarded onto any of the secondary call legs (106-113), the incoming call cannot be answered because if the

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incoming call is answered then one of the secondary call legs for call forwarding will be set up. Therefore, since Baiyor et al disclose that outgoing calls are answered it is inherent that the incoming call is not answered or Baiyor would have disclosed this. Baiyor discloses a database (220), such that as an incoming call is handled at the switch, the switch will consult DB-220 for the alerting list containing the secondary directory numbers, col. 6, lines 60-67. Also Baiyor discloses in col. 4, lines 5-10, that "[T]he incoming call to the pilot DN is then to be processed by a mobile switch, which then directs the incoming call to the multiple different mobile or wireline secondary DNs of the users predefined alerting group, creating multiple different outgoing communication legs to these differing and independent directory numbers. Whichever outgoing call leg is first to answer will receive the call and be connected to the calling party, with the other call legs released. For claim 5, see col. 6, lines 63-66.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 6- 11, 15, 18- 23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Baiyor et al in view of Otto or Brennan et al.

Pertaining to claims 3 & 8-10, Otto discloses the use of a call forwarding system, that will forward calls to a voice mailbox when the call is not answered. Otto also discloses that the called party is to be prompted by Otto's system to enter a password in order to receive calls from the

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calling party, col. 2, lines 22-44; col. 5, lines 57-67 & col. 6, line 1-9. To have provide Otto's teaching of requiring a called party in input a PIN/password in order to receive a calling party's phone call into Baiyor's call forwarding would have been obvious to a person having ordinary skill in the art because the system will want to insure that the called party is the who that is answering the call and not some other unintended recipient. Regarding claim 6, Brennan et al disclose a voice mail system in their call forwarding apparatus, col. 4, line 66; col. 10, line 65. It is old and well known that when a phone call is not answered within a predetermined number of rings it will be forwarded to voicemail. To have similarly provided Brennan's voicemail in Baiyor's call forwarding system would have been obvious to a person having ordinary skill in the art because if the called party is not available to receive the calling party's call, he will at least have a message to call the calling party back. Likewise, Otto discloses the use of a voicemail system to record messages for the called if they are unavailable to answer the calling party's call.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to C Smith at telephone number 308-2488.

A handwritten signature in black ink, appearing to read "Creighton Smith". The signature is fluid and cursive, with the first name "Creighton" written in a more compact, stylized manner and the last name "Smith" written in a more open, cursive style.

Creighton Smith,
Primary Examiner

Creighton Smith

01 DEC '03